

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-55-C - ORDER NO. 2006-124

FEBRUARY 27, 2006

IN RE: Application of IPC Network Service, Inc. for a) ORDER HOLDING
Certificate of Public Convenience and) REQUEST FOR
Necessity to Provide Resold Local Exchange) CONFIDENTIAL
and Resold Long Distance Telecommunications) TREATMENT IN
Services and for Flexible Regulation of its) ABEYANCE AND
Local Exchange Services and Alternative) APPOINTING HEARING
Regulation of its Long Distance Offerings.) EXAMINER

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of IPC Network Services, Inc. (IPC or Company) for confidential treatment and on motion of the Commission Staff to appoint F. David Butler, Esquire, Senior Counsel, as a "hearing examiner" for a hearing regarding IPC's Application in this docket.

On February 9, 2006, IPC filed an Application with the Commission for authority to provide telecommunications services within the state of South Carolina. In its Application, IPC requests that the Company's financial statements be kept confidential and retained under seal. This request will be held in abeyance at this time.

As to the motion of the Commission Staff for appointment of F. David Butler as hearing examiner in this docket, we grant the Motion. Mr. Butler will hear the evidence in the case without the presence of the Commission.

S.C. Code Ann. Section 58-9-1020 (1976) allows the Commission to employ a special agent or examiner in a telecommunications hearing. This person may administer oaths, examine witnesses, and receive evidence in any locality which the Commission may designate. The examiner may not be used in a telephone rate proceeding under the statute. We would note that the present proceeding is not a telephone rate proceeding.

Further, 26 S.C. Code Ann. Regs. 103-865(A) (1976) states that when evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing. The presiding officer has the duty to conduct full, fair, and impartial hearings under Section B of the Regulation. Section C of the Regulation requires that the presiding officer mail to the parties of record a proposed Order when a majority of the Commissioners do not hear a formal proceeding or read the record thereof. The proposed Order shall contain a statement of facts relied upon in formulating such Order and each issue of fact or law necessary to it. The Regulation then describes a mechanism for the parties to take exception to the proposed Order, and ultimately states, among other things, that the Commission will issue the final Order in the case, based upon the record, the proposed Order, and other materials and any oral arguments that may take place. We believe that this Regulation describes the appropriate procedure for Mr. Butler to employ as a hearing examiner in the present case.

Mr. Butler is a Senior Counsel to the Commission and has been employed in a legal position with the Commission since 1991. We believe that Mr. Butler has the ability

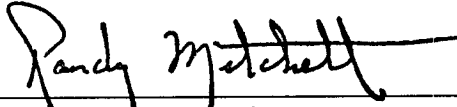
and knowledge to properly carry out the hearing examiner's role in this case, and we therefore grant the Motion appointing him as hearing officer in this case.

ORDER

The Commission hereby holds the request of IPC Network Service, Inc. for confidential treatment of financial statements in abeyance. The Commission hereby appoints F. David Butler as the hearing examiner in the present case. Mr. Butler shall follow all applicable statutes and regulations that may pertain to his appointment.


This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)